

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

Uniformed Fire Officers Association; Uniformed
Firefighters Association of Greater New York; Correction
Officers' Benevolent Association of the City of New
York, Inc.; Police Benevolent Association of the City of
New York, Inc.; Sergeants Benevolent Association;
Lieutenants Benevolent Association; Captains Endowment
Association; and Detectives' Endowment Association,

NOTICE OF REMOVAL

Case No. 20 CV 05441

Petitioners,

-against-

Bill de Blasio, in his official capacity as Mayor of the City of New York; the City of New York; Fire Department of the City of New York; Daniel A. Nigro, in his official capacity as the Commissioner of the Fire Department of the City of New York; New York City Department of Correction; Cynthia Brann, in her official capacity as the Commissioner of the New York City Department of Correction; Dermot F. Shea, in his official capacity as the Commissioner of the New York City Police Department; the New York City Police Department; Frederick Davie, in his official capacity as the Chair of the Civilian Complaint Review Board; and the Civilian Complaint Review Board,

Defendants.

----- X

**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants Bill de Blasio, in his official capacity as Mayor of the City of New York; the City of New York; Fire Department of the City of New York; Daniel A. Nigro, in his official capacity as the Commissioner of the Fire Department of the City of New York; New York City Department of Correction; Cynthia Brann, in her official capacity as the Commissioner of the New York City Department of Correction; Dermot F. Shea, in his official capacity as the Commissioner of the New York City Police Department; the New York City Police Department; Frederick Davie, in his official capacity as the Chair of the Civilian Complaint Review Board;

Complaint Review Board; and the Civilian Complaint Review Board, (collectively “Defendants”), by and through their attorney, James E. Johnson, Corporation Counsel of the City of New York, respectfully moves this Court as follows:

1. On July 14, 2020, Defendant City of New York received a Summons and Petition by e-mailed service on the Office of the Corporation Counsel, filed in the Supreme Court of the State of New York, County of New York, under Index No. 154982/2020E, naming the Defendants therein, and setting forth the claims for relief upon which the action is based.

2. A copy of Plaintiff’s Summons and Complaint is annexed hereto as Exhibit “A.”

3. Petitioners bring this action seeking to temporarily and permanently enjoin Defendants from releasing unsubstantiated and non-final disciplinary records of firefighters, police and correction officers and alleging, among other things, potential violations under 42 U.S.C. §1983 of both the Due Process Clause and the Equal Protection Clause of Fourteenth Amendment. Petitioners also allege a breach of their respective collective bargaining agreements, a breach of contract claim and allege that Defendants’ acts were affected by an error of law or are arbitrary and capricious in violation of New York Civil Practice Law and Rules § 7803. Finally, Petitioners request declaratory relief. See Exhibit “A.”

4. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that it alleges claims which arise under the laws of the United States. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

5. This Notice of Removal is timely because it is being filed within thirty (30) days of Defendant’s receipt of the Summons and Complaint. See 28 U.S.C. § 1446 (b).

6. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which the action is pending.

WHEREFORE, Defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
 July 15, 2020

JAMES E. JOHNSON
Corporation Counsel
of the City of New York
Attorney for Defendant City of New York
100 Church Street, Room 2-186/2-317
New York, New York 10007
(212) 356-2444/4328
dosaint@law.nyc.gov

By: /s/ Dominique F. Saint-Fort
Dominique F. Saint-Fort
Assistant Corporation Counsel

By: /s/ Rebecca Jo Quinn
Rebecca Jo Quinn
Assistant Corporation Counsel

TO: DLA PIPER LLP (US) New York, New York
Anthony P. Coles
Michael R. Hepworth
1251 6th Avenue
New York, NY 10020
Telephone: (212) 335-4844
Facsimile: (212) 884-8644
Email: anthony.coles@dlapiper.com
Email: michael.hepworth@dlapiper.com

Courtney G. Saleski (*pro hac vice* to be filed)
1650 Market Street, Suite 5000
Philadelphia, PA 19103-7300
Telephone: (215) 656-2431

Facsimile: (215) 606-2046
Email: courtney.saleski@dlapiper.com

Docket No. 20 CV 05441

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Uniformed Fire Officers Association; Uniformed Firefighters Association of Greater New York; Correction Officers' Benevolent Association of the City of New York, Inc.; Police Benevolent Association of the City of New York, Inc.; Sergeants Benevolent Association; Lieutenants Benevolent Association; Captains Endowment Association; and Detectives' Endowment Association,

Petitioners,

-against-

Bill de Blasio, in his official capacity as Mayor of the City of New York; the City of New York; Fire Department of the City of New York; Daniel A. Nigro, in his official capacity as the Commissioner of the Fire Department of the City of New York; New York City Department of Correction; Cynthia Brann, in her official capacity as the Commissioner of the New York City Department of Correction; Dermot F. Shea, in his official capacity as the Commissioner of the New York City Police Department; the New York City Police Department; Frederick Davie, in his official capacity as the Chair of the Civilian Complaint Review Board; and the Civilian Complaint Review Board,

Defendants.

NOTICE OF REMOVAL

JAMES E. JOHNSON
Corporation Counsel of the City of New York
Attorney for Defendant City of New York
100 Church Street, Rm. 2-186/2-317
New York, N.Y. 10007

Of Counsel: Dominique F. Saint-Fort
Rebecca Jo Quinn
Tel: (212) 356-2444/4382

Due and timely service is hereby admitted.

New York, N.Y....., 2020

..... Esq.

Attorney for.....